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Attorneys for Plaintiff
FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

POWER VENTURES, INC. a Cayman Island
Corporation; STEVE VACHANI, an
individual; DOE 1, d/b/a POWER.COM,
DOES 2-25, inclusive,

Defendants.

Case No. 5:08-cv-05780 JW

**DECLARATION OF MONTE M. F.
COOPER IN SUPPORT OF
FACEBOOK, INC.'S MOTION TO
COMPEL THE PRODUCTION OF
DOCUMENTS AND DISCOVERY
RESPONSES FROM DEFENDANT
POWER VENTURES, INC.**

Judge: Hon. James Ware
Courtroom: 8, 4th Floor

1 I, Monte M. F. Cooper, hereby declare as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe, LLP, counsel
3 of record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my
4 personal knowledge, unless otherwise noted. If called, I can and will testify competently to the
5 matters set forth herein.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of relevant excerpts from
7 the July 20, 2011, deposition transcript of Defendant Steve Vachani. [**DESIGNATED HIGHLY**
8 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL.**
9 **REDACTED VERSION FILED PUBLICALLY]**

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of a New York Times
11 article, titled “Power.com: A One-Stop Shop for Social Networkers,” dated December 1, 2008.

12 4. Attached hereto as **Exhibit 3** is a true and correct copy of a Power production
13 document, bearing Bates Nos. POWER2011.02.03.0000089-90. [**DESIGNATED HIGHLY**
14 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

15 5. Attached hereto as **Exhibit 4** is a true and correct copy of Defendant Power
16 Ventures, Inc.’s Responses to Facebook, Inc.’s First Set of Requests For Admissions, served
17 December 15, 2010.

18 6. Attached hereto as **Exhibit 5** is a true and correct copy of Facebook, Inc.’s First
19 Set of Requests for Production to Defendant Power Ventures, Inc., served October 22, 2010.

20 7. Attached hereto as **Exhibit 6** is a true and correct copy of Facebook, Inc.’s Second
21 Set of Requests For Production of Documents to Defendant Power Ventures, Inc., served June 3,
22 2011. To date, Defendnats have not produced a single document in response to these Requests.

23 8. Attached hereto as **Exhibit 7** is a true and correct copy of Defendant Power
24 Ventures, Inc.’s Responses to Facebook, Inc.’s First Set of Requests For Production, signed
25 December 15, 2010.

26 9. Attached hereto as **Exhibit 8** is a true and correct copy of Defendant Power
27 Ventures, Inc.’s Responses to Facebook, Inc.’s Second Set of Requests For Production, served
28 July 5, 2011.

1 10. Attached hereto as **Exhibit 9** is a true and correct copy of an email from Morvarid
2 Metanat to Timothy Fisher and Scott Bursor, dated September 6, 2011.

3 11. Attached hereto as **Exhibit 10** is a true and correct copy of Facebook, Inc.'s First
4 Set of Interrogatories to Defendant Power Ventures, Inc., served October 22, 2010.

5 12. Attached hereto as **Exhibit 11** is a true and correct copy of Defendant Power
6 Ventures, Inc.'s Responses to Facebook, Inc.'s First Set of Interrogatories, signed December 15,
7 2010.

8 13. Attached hereto as **Exhibit 12** is a true and correct copy of a Power production
9 document, bearing Bates Nos. POWER2011.02.03.0000068. **[DESIGNATED HIGHLY**
10 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

11 14. Attached hereto as **Exhibit 13** is a true and correct copy of a Power production
12 document, bearing Bates Nos. POWER2011.02.03.0000069-71. **[DESIGNATED HIGHLY**
13 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

14 15. Attached hereto as **Exhibit 14** is a true and correct copy of a Power production
15 document, bearing Bates Nos. POWER2011.02.03.0000072-73. **[DESIGNATED HIGHLY**
16 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

17 16. Attached hereto as **Exhibit 15** is a true and correct copy of a Power production
18 document, bearing Bates Nos. POWER2011.02.03.0000074-77. **[DESIGNATED HIGHLY**
19 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

20 17. Attached hereto as **Exhibit 16** is a true and correct copy of a Power production
21 document, bearing Bates Nos. POWER2011.02.03.0000078-80. **[DESIGNATED HIGHLY**
22 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

23 18. Attached hereto as **Exhibit 17** is a true and correct copy of a Power production
24 document, bearing Bates Nos. POWER2011.02.03.0000081. **[DESIGNATED HIGHLY**
25 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

26 19. Attached hereto as **Exhibit 18** is a true and correct copy of a Power production
27 document, bearing Bates Nos. POWER2011.02.03.0000082-85. **[DESIGNATED HIGHLY**
28 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

20. Attached hereto as **Exhibit 19** is a true and correct copy of a Power production document, bearing Bates Nos. POWER2011.02.03.0000086. **[DESIGNATED HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

21. Attached hereto as **Exhibit 20** is a true and correct copy of a Power production document, bearing Bates Nos. POWER2011.02.03.0000087-88. **[DESIGNATED HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

22. Attached hereto as **Exhibit 21** is a true and correct copy of a letter from Theresa Sutton to Timothy Fisher, dated May 12, 2011.

23. Attached hereto as **Exhibit 22** is a true and correct copy of a letter from Morvarid Metanat to Timothy Fisher, dated May 17, 2011.

24. Attached hereto as **Exhibit 23** is a true and correct copy of a letter from Timothy Fisher to Morvarid Metanat, dated May 31, 2011.

25. Attached hereto as **Exhibit 24** is a true and correct copy of a Non-Party Niehaus Production document, bearing Bates Nos. Niehaus 00056-64. **[DESIGNATED HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

26. Attached hereto as **Exhibit 25** is a true and correct copy of a Non-Party Niehaus Production document, bearing Bates Nos. Niehaus 00078-81. **[DESIGNATED HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

27. Attached hereto as **Exhibit 26** is a true and correct copy of a Non-Party Niehaus Production document, bearing Bates Nos. Niehaus 00089-93. **[DESIGNATED HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

28. Attached hereto as **Exhibit 27** is a true and correct copy of a Non-Party Niehaus Production document, bearing Bates Nos. Niehaus 00229-230. **[DESIGNATED HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

29. Attached hereto as **Exhibit 28** is a true and correct copy of a Non-Party Niehaus Production document, bearing Bates Nos. Niehaus 00545-557. **[DESIGNATED HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

30. Attached hereto as **Exhibit 29** is a true and correct copy of a Non-Party Niehaus Production document, bearing Bates Nos. Niehaus 00610-631. **[DESIGNATED HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL]**

31. Attached hereto as **Exhibit 30** is a true and correct copy of a Non-Party Leigh Power production document, LP00437.

32. Attached hereto as **Exhibit 31** is a true and correct copy of a Non-Party Leigh Power production document, LP00437.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 7th day of September 2011 at Menlo Park California.

/s/ Monte M. F. Cooper /s/
 Monte M. F. Cooper

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